

REMARKS

Paragraphs [0027] and [0031] of the specification have been amended for consistency of terminology in that instead of a pipe, element 5 is identified in other portions of the specification as a tube.

With respect to the claims in the present application, independent claim 1 has been amended to more particularly recite the subject matter that the applicant regards as his invention.

Briefly, the present invention relates to an improved beverage packaging unit that is directed to providing a container that results in improved efficiency when transporting such containers, and to a container having improved hygiene when drinking from such containers. The transportation efficiency is achieved by making the several walls of the container in parallelepipedal form, rather than in the more conventional cylindrical form, which serves to decrease transportation volume by permitting tighter packing of the containers, thereby eliminating void spaces between adjacent containers when they are placed in shipping cartons. The hygiene improvement is achieved by enabling drinking of beverages from the container without direct contact by the drinker's lips with container surfaces that have been exposed to the surroundings after filling and application of a closure element.

As amended, claim 1 more clearly recites the form of the container as a box-like body having opposed side and opposed top and bottom walls that are parallel, thereby providing the parallelepipedal form. The description in the specification, the illustrations in the drawings, and the ordinary dictionary definition of

parallelepiped (see attached copy of page 981 of the *Random House Webster's College Dictionary*) support the amendments in claim 1 that further define the container shape. In addition to the container shape clarification, amended claim 1 also more specifically recites the shape of the closure element, which completes the parallelepipedal form of the packaging unit when the closure element is applied to the tubular part that extends from a bevelled corner of the packaging unit.

Claims 1-3, 5, 7, 9, and 10 were rejected as anticipated by the Cornell et al. '278 reference. But instead of a parallelepipedal packaging unit, that reference discloses a container having a body with a rectangular cross section and on which is provided a gable top (see Cornell et al., col. 3, lines 44-45). It does not include planar and parallel top and bottom walls as claimed in amended claim 1. It also does not show or suggest a bevelled corner of a box-like body, as also recited in amended claim 1. Moreover, it was acknowledged in the Action that the Cornell et al. reference "does not specifically include generally pyramidal closure as claimed." In view of those significant structural differences between the Cornell et al. reference and invention as it is claimed in amended claim 1, the Cornell et al. reference does not anticipate the claimed invention.

Claims 2, 3, 5, 7, 9, and 10 each depend from amended claim 1, either directly or indirectly, and therefore each of those claims is also not anticipated by the Cornell et al. reference, and for the same reasons as are given above relative to amended claim 1.

Claims 1, 3, 6, and 8 were also rejected as anticipated by the Cornell et al. reference. But newly-rejected dependent claims 6 and 8 also depend from

amended claim 1, either directly or indirectly, and therefore each of those claims is also not anticipated by the Cornell et al. reference, and for the same reasons as are given above relative to amended claim 1.

In connection with the rejection of claims 1-3, 5, 7, 9, and 10, the Theobald, Sr. '789 reference was relied upon as disclosing a "generally pyramidal closure." But the Theobald, Sr. closure is not configured as is the closure element as it is recited in amended claim 1. Specifically, in amended claim 1 the pyramidal closure is recited as having a triangular base having three edges and triangular sides that extend from respective ones of the edges of the triangular base. In contrast to the invention as claimed in amended claim 1, the Theobald, Sr. reference discloses a closure having a hexagonal base and an upwardly projecting plate 18. Additionally, however, the Theobald, Sr. closure does not form with a box-like body a parallelepiped, wherein two triangular sides of the closure element are coextensive with respective sidewalls of the box-like body and a third triangular side of the closure element is coextensive with the top wall of the box-like body. Thus, even if the Cornell et al. and Theobald, Sr. references were to be combined as suggested in the Action, their combination would not render obvious the structure as it is claimed in amended claim 1, because the resulting combination would be a packaging unit that is vastly structurally and functionally different from the claimed invention, and one that would not render the claimed invention obvious to one of only ordinary skill in the art.

Based upon the foregoing amendments and remarks, the claims as they now stand in the application are believed clearly to be in allowable form in that they

patentably distinguish over the references that were relied upon, whether those references be considered in the context of 35 USC 102 or of 35 USC 103. Consequently, this application is believed to be in condition for allowance, and therefore reconsideration and reexamination of the application is respectfully requested with a view toward the issuance of an early Notice of Allowance.

The examiner is cordially invited to telephone the undersigned attorney if this amendment raises any questions, so that any such question can be quickly resolved in order that the present application can proceed toward allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alfred J. Mangels', with a long horizontal flourish extending to the right.

October 5, 2009

Alfred J. Mangels
Reg. No. 22,605
4729 Cornell Road
Cincinnati, Ohio 45241
Tel.: (513) 469-0470

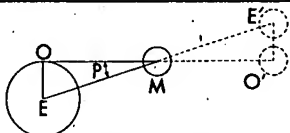
form certain legal tasks but not licensed to practice law. —*adj.* 2. of or pertaining to paralegals. [1970-75]

para-linguistics (par'ə ling.gwɪs/tiks), *n.* (used with a sing. v.) the study of paralinguage. [1955-60] —**para-linguistic**, *adj.*

para-lip-sis (par'ə lip/sis) also **para-leip-sis** (-lip/-), **para-lep-sis** (-lep/-), *n.* *pl.* -ses (-sēz), the suggestion, by deliberately concise treatment, that much of significance is being omitted, as in "not to mention other faults." [1580-90; < LL *paralipsis* < Gk *paralipsis* an omission = *para* (to) neglect (*para* - *para* + *leip* to leave) + *-sis* -sis]

par-al-lax (par'ə laks), *n.* 1. the apparent displacement of an observed object due to a change in the position of the observer. 2. the apparent angular displacement of a celestial body due to its being observed from the surface instead of from the center of the earth or due to its being observed from the earth instead of from the sun. 3. the difference between the view of an object as seen through the picture-taking lens of a camera and the view as seen through a separate viewfinder. [1585-95; < Gk *parallaxis* change = *parallak* (-s. of *parallassein* to cause to alternate = *para* - *para* + *allassein* to vary, akin to *állos* other) + *-sis* -sis] —**par-al-lac/tic** (-lak/tik), *adj.* —**par-al-lac/ti-cal-ly**, *adv.*

parallax (geocentric)
of the moon
P, parallax; O, observer;
E, center of earth;
M, moon; E', image of
E; O', image of O

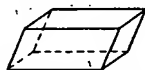


par-al-lel (par'ə lel', -lə), *adj.*, *n.*, *v.*, *-leled*, *-leling* or (esp. Brit.) *-lelled*, *-leling*, *adv.* —*adj.* 1. extending in the same direction, equidistant at all points, and never converging or diverging: *parallel rows of chairs*. 2. having the same direction, nature, tendency, or course; corresponding; similar: *parallel interests*. 3. a. (of straight lines) lying in the same plane but never meeting no matter how far extended. b. (of planes) having common perpendiculars. c. (of a single line, plane, etc.) equidistant from another or others (usu. fol. by *to* or *with*). 4. having parts that are parallel. 5. having electrical components connected in parallel: *a parallel circuit*. 6. a. progressing at the same interval distance: *parallel lines in music*. b. sharing the same tonic: *A major and A minor are parallel keys*. 7. a. of or pertaining to operations within a computer that are performed simultaneously: *parallel processing*. b. pertaining to or supporting the transfer of electronic data several bits at a time (dist. from *serial*). —*n.* 8. a parallel line or plane. 9. anything parallel or comparable in direction, course, nature, or tendency; to something else. 10. any of the imaginary lines bearing E and W on the earth's surface, parallel to the equator, that mark the latitude. 11. something identical or similar in essential respects: *a case without a parallel*. 12. correspondence or analogy. 13. a comparison of things as if regarded side by side. 14. an arrangement of an electrical circuit whereby all positive terminals are connected to one point and all negative ones to another. 15. a pair of vertical parallel lines (||) used in printing as a reference mark. —*v.t.* 16. to provide a parallel for; match. 17. to be in a parallel course to: *The road parallels the river*. 18. to form a parallel to; equal. 19. to show the similarity of; compare. 20. to make parallel. —*adv.* 21. in a parallel course or manner. [1540-50; < L *parallelus* < Gk *parallēlos* side by side = *par* - *par* + *allēlos* one another] —**par-al-lel-ly**, *adv.*

parallel bars, *n.pl.* a gymnastic apparatus consisting of two horizontal bars on uprights, used for various exercises. [1865-70]

parallel cousin, *n.* a cousin who is the child either of one's mother's sister or of one's father's brother. Compare *CROSS-COUSIN*.

par-al-lel-o-pi-ped (par'ə lel'ə pī'pid, -pī'pid), *n.* a prism with six faces, all parallelograms. [1560-70; < Gk *parallelēpipedon* body with parallel surfaces = *parallelē* (os) PARALLEL + *epipedon* plane, *n.* use of neut. of *epipedos* flat = *epi* - *epi* + *-pedos*, *adj.* der. of *pedon* ground]

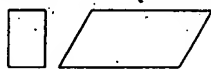


parallelepiped

parallel evolu'tion, *n.* the independent development of closely corresponding adaptive features in two or more groups of organisms that evolved in different but equivalent habitats. [1960-65]

par-al-lel-ism (par'ə le liz'əm, -lə liz'-), *n.* 1. the fact or condition of being parallel; agreement in character, direction, etc. 2. the position or relation of parallels. 3. a parallel or comparison. 4. the philosophical theory that mental and physical processes are concomitant but not causally related. 5. the repetition of a syntactic structure for rhetorical effect. 6. PARALLEL EVOLUTION. [1600-10] —**par-al-lel-ist**, *n.*

par-al-lel-o-gram (par'ə lel'ə gram), *n.* a quadrilateral having both pairs of opposite sides parallel to each other. [1560-70; < LL *parallelōgrammum* < Gk *parallelōgrammon*. See PARALLEL, -o-, -GRAM]



parallelograms

parallel-veined, *adj.* having closely spaced longitudinal veins, as the leaves of most monocotyledonous plants. Compare *NET-VEINED*. [1860-65]

para-l-o-gism (pə rə'lə jiz'm), *n.* a violation of the principles of valid reasoning in logic. [1555-65; < LL *paralogismus* < Gk *paralogismós*. See PARA-, LOGO-, -ISM] —**para-l-o-gis/tic**, *adj.*

para-ly-sis (pə rə'lə sis), *n.* *pl.* -ses (-sēz). 1. a loss or impairment of movement or sensation in a body part, caused by injury or disease of the nerves, brain, or spinal cord. 2. a disease characterized by this, esp. palsy. 3. a state of helpless stoppage or inability to act. [1515-25; < L < Gk *paralysis* = *paraly*, var. s. of *paralyein* to loosen (i.e., disable) on one side (*para* - *para* + *lyein* to loosen) + *-sis* -sis; cf. *PALSY*] **paralysis agitans** (aj'i lantz), *n.* PARKINSON'S DISEASE. [< NL; lit., shaking paralysis]

para-lytic (par'ə lit'ik), *n.* 1. a person affected with paralysis. —*adj.* 2. affected with or subject to paralysis. 3. pertaining to or of the nature of paralysis. [1300-50; ME *paralytik* < L *paralyticus* < Gk *paralytikós* = *paraly* - (see PARALYSIS) + *-tikos* -tic] —**para-lyt'i-cal-ly**, *adv.*

para-lyze (par'ə liz'), *v.t.*, *-lyzed*, *-lyzing*. 1. to affect with paralysis.

2. to bring to a condition of helpless stoppage or inability to act. Also, *esp. Brit.*, **par'a-lyse**. [1795-1805; back formation from PARALYSIS] —**para-lyz'a-tion**, *n.* —**para-lyz'er**, *n.* —**para-lyz'ing-ly**, *adv.*

para-mag-net (par'ə mag'nit, par'ə mag'-), *n.* a body or substance that, placed in a magnetic field, possesses magnetization in direct proportion to the field strength. [1905-10] —**para-mag-net-ism**, *n.* —**para-mag-net'ic** (-net'ik), *adj.*

Para-mar-i-bo (par'ə mar'ə bō'), *n.* a seaport in and the capital of Suriname. 110,867.

para-mat-ta or **par-ra-mat-ta** (par'ə mat'ə), *n.* a light, twilled dress fabric, having a silk or cotton warp and a woolen weft. [1825-35; after *Parramatta*, town in New South Wales]

para-mo-ci-um (par'ə mē'shē əm, -shəm, -sē əm), *n.*, *pl.* -cia (-shē ə, -sē ə). a freshwater protozoan of the genus *Paramecium*, having an oval body with a long, deep oral groove and a fringe of cilia. [1745-55; < NL < Gk *paramēkēs* oblong, oval (*para* - *para* + *-mēkēs*, *adj.* der. of *mēkos* length) + NL *-ium* -ium]

para-med-i-c (par'ə med'ik), *n.* a person who is trained to assist a physician or to give first aid or other health care in the absence of a physician. [1950-55, Amer.; PARA(MEDICAL) + MEDIC]

para-med-i-c (par'ə med'ik, par'ə med'-), *n.* 1. a medic in the para-troops. 2. a physician who parachutes into remote areas to give medical care. [1950-55, Amer.]

para-med-i-cal (par'ə med'ikəl), *adj.* related to the medical profession in a secondary or supplementary capacity. [1920-25]

pa-ram-e-ter (pə rəm'i tər), *n.* 1. a. a constant or variable term in a mathematical function that determines the specific form of the function but not its general nature, as a in $f(x) = ax$, where a determines only the slope of the line described by $f(x)$. b. one of the independent variables in a set of parametric equations. 2. a variable entering into the mathematical form of any statistical distribution such that the possible values of the variable correspond to different distributions. 3. a variable that must be given a specific value during the execution of either a computer program or a procedure within a program. 4. *usu.*, **parameters**, limits or boundaries; guidelines: *to keep within the parameters of the discussion*. 5. a determining characteristic; factor: *a useful parameter for judging long-term success*. [1650-60; < NL *parametrum*. See PARA-, -METER] —**para-met-ric** (par'ə mē'trik), **para-met'ri-cal**, *adj.* —**Usage**. Some object strongly to the use of PARAMETER in the newer senses, "limits" or "characteristic." Nevertheless, the criticized uses are now well established both in educated speech and in edited writing.

pa-ram-e-ter-ize (pə rəm'i tər'iz), *v.t.*, *-ized*, *-izing*, to describe by the use of parameters. [1935-40] —**pa-ram-e-ter-i-za-tion**, *n.*

paramet'ric equa'tion, *n.* one of two or more equations expressing the location of a point on a curve or surface by determining each coordinate separately. [1905-10]

para-mil-i-tar-y (par'ə mil'i tər'ē), *adj.*, *n.*, *pl.* -tar-ies. —*adj.* 1. of or designating an organization operating in place of, as a supplement to, or in a manner resembling a regular military force. —*n.* 2. Also, **para-mil'i-tar-ist** (-tər'ist), a person employed in such a force. [1930-35]

para-m-ne-sia (par'am nē'zhə), *n.* 1. a distortion of memory in which fact and fantasy are confused. 2. the inability to recall the correct meanings of words. [1885-90]

para-morph (par'ə mōrf), *n.* a mineral pseudomorph formed by a change in crystal structure but not in chemical composition. [1875-80] —**para-mor-phic**, **para-mor-phous**, *adj.* —**para-mor-ph-ism**, *n.*

para-mount (par'ə maunt), *adj.* 1. chief in importance or impact; supreme; preeminent. 2. above others in rank or authority; superior. —*n.* 3. a supreme ruler; overlord. [1525-35; < AF *paramont* above = *par* - *par* + *a mont* < L *ad montem* to the mountain, hence, upward, above; see AD-, MOUNT] —**para-mount-cy**, *n.* —**para-mount-ly**, *adv.* —**Syn.** See DOMINANT.

para-mour (par'ə mōr), *n.* 1. an illicit lover. 2. any lover. [1250-1300; ME, from the phrase *par amour* by or through love < OF]

para-myx-o-vi-rus (par'ə mik'sə vī'rəs, -mik'sə vī'-), *n.*, *pl.* -rus-es. any of various RNA-containing viruses of the family Paramyxoviridae, distinguished by a helical nucleocapsid surrounded by an envelope; includes viruses causing measles and mumps. Also called **myxovirus**. [1960-65]

Para-ná (par'ə nā', pā'-), *n.* 1. a state in SE Brazil. 8,530,000; 76,858 sq. mi. (199,060 sq. km). *Cap.* Curitiba. 2. a river flowing from S Brazil along the SE border of Paraguay into the Rio de la Plata in E Argentina. 2050 mi. (3300 km) long. 3. a city in E Argentina, on the Paraná River. 160,000.

pa-rang (pär'äng), *n.* a large, heavy knife used as a tool or weapon in Malaysia and Indonesia. [1850-55; < Malay]

para-noi-a (par'ə noi'ə), *n.* 1. a mental disorder characterized by systematized delusions ascribing hostile intentions to other persons, often linked with a sense of mission. 2. baseless or excessive distrust of others. [1805-15; < NL < Gk *paranoia* madness. See PARA-, NOUS, -IA]

para-noid (par'ə noid'), *adj.* 1. Also, **para-noi'dal**, of, like, or suffering from paranoia. —*n.* 2. a person suffering from paranoia. [1900-05; PARANOIA (A) + -oid, with base and suffix merged]

para-nor-mal (par'ə nōr'məl), *adj.* of or pertaining to events or perceptions occurring without scientific explanation, as clairvoyance or extra-sensory perception. [1915-20] —**para-nor-mal-ly**, *adv.*

para-ny-mph (par'ə nīm'), *n.* 1. a groomsman or a bridesmaid. 2. (in ancient Greece) a. a friend who accompanied the bridegroom when he went to bring home the bride. b. a bridesmaid who escorted the bride to the bridegroom. [1585-95; < LL *paranympus* < Gk *paranympus* groomsman, bridesmaid, lit., person beside the bride. See PARA-, NYMPH] **para-pa-re-sis** (par'ə pə rē'sis, -par'ə sis), *n.* partial paralysis, esp. of the lower limbs.

para-pet (par'ə pit, -pet'), *n.* 1. a wall or elevation in a fortification, esp. one at the outer edge of a rampart. See *diag.* at *BASTION*. 2. any low protective wall or barrier at the edge of a balcony, roof, bridge, or the

PRONUNCIATION KEY: act, cāpe, dāre, pārt; set, ēven; if, ice; ox, nō, fōr, oil, bōck, bōt, out; up, ūrge; child; shg; shoe; thin, thāt; zh in treasure. ə = a in alone, e in item, i in easily, o in gallop, u in circus; * in fire (fīr), hour (ou'rr).